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8 Attorney for Plaintiffs: WORDLOGIC CORPORATION and 602531 BRITISH  
9 COLUMBIA LTD.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

WORDLOGIC CORPORATION, a  
Nevada Corporation, and 602531  
BRITISH COLUMBIA LTD., a  
Canadian limited liability company

Plaintiffs,

v.

TOUCHTYPE, INC. dba  
SWIFTKEY, a Delaware  
Corporation,

Defendant.

Case No. '14CV2448 BAS BGS

**COMPLAINT FOR PATENT  
INFRINGEMENT  
and  
DEMAND FOR JURY TRIAL**

1                                   **I. JURISDICTION AND VENUE**

2           1.     This action arises under the Patent Laws of the United States,  
3 Title 35 of the United States Code.

4           2.     This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331  
5 and 1338.

6           3.     Venue is proper in this Judicial District under 28 U.S.C §§ 1391  
7 and 1400(b).

8                                   **II. THE PARTIES**

9           4.     Plaintiff WORDLOGIC COPORATION (“WLC”) is a corporation  
10 organized and existing under the laws of the state of Nevada, with a principal  
11 place of business at 1130 West Pender Street, Suite 230, Vancouver, British  
12 Columbia V6E 4A4, Canada.

13          5.     Plaintiff 602531 BRITISH COLUMBIA LTD. (“602531”) is a  
14 Canadian limited liability company with a principal place of business at 1130  
15 West Pender Street, Suite 230, Vancouver, British Columbia V6E 4A4 Canada.  
16 Plaintiff 602531 is a wholly owned subsidiary of WLC.

17          6.     WCL and 602531 (collectively “Plaintiffs”) are informed and  
18 believe, and thereon allege, that Defendant TOUCHTYPE, INC. (“Defendant”)  
19 is a corporation organized and existing under the laws of the State of Delaware,  
20 with a place of business of with a principal place of business at 21 Lawn Terrace,  
21 London, United Kingdom SE3 9LL and 261 Hamilton Ave, Suite 425, Palo Alto,  
22 California 94301.

23          7.     Plaintiffs are informed and believe, and thereon allege, that  
24 Defendant conducts business in this Judicial District, and has committed the acts  
25 complained of in this Judicial District and elsewhere in the United States.

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**III. THE PATENTS**

8. On October 8, 2013, the U.S. Patent and Trademark Office (“PTO”) duly and lawfully issued U.S. Patent No. 8,552,984 entitled “Method, System, Apparatus, and Computer-Readable Media for Directing Input Associated with Keyboard-Type Device ” (the “’984 Patent”). 602531 is the current owner by assignment of the ’984 Patent. A copy of the ’984 Patent is attached hereto as Exhibit A.

9. On March 16, 2010, the PTO duly and lawfully issued U.S. Patent No. 7,681,124 entitled “Date Entry for Personal Computing Devices” (the “’124 Patent”). 602531 is the owner by assignment of the ’124 Patent. A copy of the ’124 Patent is attached hereto as Exhibit B.

**IV. FACTS**

10. Plaintiffs are a world leader in predictive text technology for computerized devices. Predictive text technology typically comprises software executed on a computing device that provides “completion candidates” in the form of one or more next letter(s), word(s) and/or phrases as a user enters text into a computing device.

11. Plaintiffs have been licensing and/or selling their predictive text technology since 2001. Plaintiffs operate their website <http://www.wordlogic.com> for information about their predictive text technology. Plaintiffs own many patents and pending patent applications. Many of the patents are foundational. Both the ’984 Patent and the ’124 Patent are foundational.

12. Both the ’984 Patent and the ’124 Patent are valid and enforceable.

13. Upon information and belief, Defendant has been in business since 2008. Defendant, who operates their website <http://swiftkey.com/en/>, is a direct competitor of Plaintiffs. Upon information and belief, Defendant has copied



1 many functional aspects and design features of Plaintiff's predictive text  
2 technology.

3 14. Defendant is aware of 602531's patents and has been in licensing  
4 discussions with Plaintiffs, including licensing the '984 Patent. License  
5 discussions broke down, yet Defendant has not terminated using, manufacturing,  
6 licensing, selling, or offering for sale its predictive text technology that infringes  
7 the '984 Patent and the '124 Patent.

8 15. Plaintiffs have not granted Defendant a license to make, use, sell,  
9 or offer for sale any claim of the '984 Patent or the '124 Patent.

10  
11 **V. FIRST CLAIM FOR RELIEF**

12 **(Infringement of U.S. Patent No. 8,552,984)**

13 16. Plaintiffs repeat, reallege, and incorporate by reference the  
14 allegations set forth in paragraphs 1 through 15 of this Complaint.

15 17. This is a claim for patent infringement and arises under the Patent  
16 Laws of the United States, Title 35 of the United States Code.

17 18. Plaintiffs are informed and believe, and thereon allege, that  
18 Defendant has been, and currently is, directly infringing the '984 Patent,  
19 contributing to infringement of the '984 Patent, and/or inducing infringement of  
20 the '984 Patent by directly or indirectly making, using, selling, and/or offering to  
21 sell in the United States and/or importing into the United States software relating  
22 to predictive text technology for mobile devices, including, but not limited to,  
23 Defendant's "Keyboard" and "Note" applications, that are covered by at least  
24 one claim of the '984 Patent. Defendant's acts constitute infringement of the  
25 '984 Patent in violation of 35 U.S.C. § 271.

26 19. Defendant has been and is currently committing these acts of  
27 infringement without license or other authorization from Plaintiffs.

1           20. Defendant's infringement has been and continues to be intentional,  
2 knowing, willful, and deliberate, with full knowledge of Plaintiffs' rights.

3           21. Plaintiffs are informed and believe, and thereon allege, that  
4 Defendant's infringement will continue unless enjoined by this Court.

5           22. Plaintiffs are informed and believe, and thereon allege, that  
6 Defendant's have derived and received, and will continue to derive and receive,  
7 gains, profits, and advantages from the aforesaid acts of infringement in an  
8 amount that is not presently known to Plaintiffs.

9           23. As a direct and proximate consequence of Defendant's  
10 infringement of the '984 Patent, Plaintiffs have suffered, and will continue to  
11 suffer, damages in an amount not yet determined.

12           24. Because of the aforesaid infringing acts, Plaintiffs have suffered  
13 and continue to suffer great and irreparable injury, for which Plaintiffs have no  
14 adequate remedy at law.

15           25. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for  
16 infringement and treble damages together with interest and costs.

17           26. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable  
18 attorneys' fees for bringing this action.

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20                           **VI. SECOND CLAIM FOR RELIEF**

21                           **(Infringement of U.S. Patent No. 7,681,124)**

22           27. Plaintiffs repeat, reallege, and incorporate by reference the  
23 allegations set forth in paragraphs 1 through 26 of this Complaint.

24           28. This is a claim for patent infringement and arises under the Patent  
25 Laws of the United States, Title 35 of the United States Code.

26           29. Plaintiffs are informed and believe, and thereon allege, that  
27 Defendant has infringed the '124 Patent, contributed to infringement of the '124  
28 Patent, and/or induced infringement of the '124 Patent by directly or indirectly



1 making, using, selling, and/or offering to sell in the United States and/or  
2 importing into the United States software relating to predictive text technology  
3 for mobile devices, including, but not limited to, Defendant's "Keyboard" and  
4 "Note" applications, that are covered by at least one claim of the '124 Patent.  
5 Defendant's acts constitute infringement of the '983 Patent in violation of 35  
6 U.S.C. § 271.

7 30. Defendant has committed these acts of infringement without  
8 license or other authorization from Plaintiffs.

9 31. Defendant's infringement was intentional, knowing, willful, and  
10 deliberate, with full knowledge of Plaintiffs' rights.

11 32. Plaintiffs are informed and believe, and thereon allege, that  
12 Defendant has derived and received gains, profits, and advantages from the  
13 aforesaid acts of infringement in an amount that is not known to Plaintiffs  
14 presently.

15 33. As a direct and proximate consequence of Defendant's  
16 infringement of the '983 Patent, Plaintiffs have suffered damages in an amount  
17 not yet determined.

18 34. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for  
19 infringement and treble damages together with interest and costs.

20 35. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable  
21 attorneys' fees for bringing this action.

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23 **WHEREFORE**, Plaintiffs seek relief as follows:

24 A. That the Defendant be adjudged to have infringed the '984 Patent.

25 B. That the Defendant be adjudged to have infringed the '124 Patent.

26 C. That the Defendant be adjudged to have willfully and deliberately  
27 infringed the '984 and/or '124 Patents.  
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1 D. That Defendant, its respective officers, directors, agents, servants,  
2 employees and attorneys, and all those persons in active concert or participation  
3 with them who receive actual notice of the order, be enjoined from directly or  
4 indirectly infringing the '984 Patent and the '124 Patent.

5 E. That a judgment be entered against the Defendant awarding  
6 Plaintiffs all damages proven at trial, and in no event less than a reasonable  
7 royalty for infringement of the '984 and '124 Patents.

8 F. That the damages in this judgment be trebled for Defendant's  
9 knowing, intentional, and willful infringement of the '984 Patent and the '124  
10 Patent pursuant to 35 U.S.C. § 284.

11 G. That there be an assessment of pre-judgment and post-judgment  
12 interest, attorney's fees and costs against the Defendant and in favor of  
13 Plaintiffs, and an award of this interest, attorney's fees and costs to Plaintiffs.

14 H. That this be judged an "exceptional" case within the meaning of  
15 35 U.S.C. § 285, and that Plaintiffs be awarded its attorneys' fees pursuant  
16 thereto, recoverable from the Defendant.

17 I. For such other and further relief as this Court may deem just.

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19 THIBAUT PATENT GROUP

20  
21 Dated: Oct. 14, 2014

22 By:   
Thomas Thibault

23 Attorney for Plaintiffs  
24 WORDLOGIG CORPPORATION and  
25 602531 BRITISH COLUMBIA LTD.  
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**DEMAND FOR TRIAL BY JURY**

Plaintiffs hereby demand a trial by jury on all issues so triable.

THIBAUT PATENT GROUP

Dated: Oct. 14, 2014

By: 

Thomas Thibault

Attorney for Plaintiffs  
WORDLOGIC CORPORATION and  
602531 BRITISH COLUMBIA LTD.



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
Wordlogic Corporation and 602531British Columbia LTD.

**(b) County of Residence of First Listed Plaintiff**  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
Thomas Thibault  
PO Box 722112  
San Diego, CA 92172

**DEFENDANTS**  
Touchtype, Inc. dba Swiftkey

**County of Residence of First Listed Defendant**  
(IN U.S. PLAINTIFF CASES ONLY)

**NOTE:** IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**Attorneys (If Known)**

**'14CV2448 BAS BGS**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF

DEF

Citizen of This State

☐ 1

☐ 1

PTF

DEF

Citizen of Another State

☐ 2

☐ 2

PTF

DEF

Citizen or Subject of a Foreign Country

☐ 3

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Incorporated or Principal Place of Business In This State

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Incorporated and Principal Place of Business In Another State

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☐ 5

Foreign Nation

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**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

**CONTRACT**  
☐ 110 Insurance  
☐ 120 Marine  
☐ 130 Miller Act  
☐ 140 Negotiable Instrument  
☐ 150 Recovery of Overpayment & Enforcement of Judgment  
☐ 151 Medicare Act  
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)  
☐ 153 Recovery of Overpayment of Veteran's Benefits  
☐ 160 Stockholders' Suits  
☐ 190 Other Contract  
☐ 195 Contract Product Liability  
☐ 196 Franchise

**PERSONAL INJURY**  
☐ 310 Airplane  
☐ 315 Airplane Product Liability  
☐ 320 Assault, Libel & Slander  
☐ 330 Federal Employers' Liability  
☐ 340 Marine  
☐ 345 Marine Product Liability  
☐ 350 Motor Vehicle  
☐ 355 Motor Vehicle Product Liability  
☐ 360 Other Personal Injury  
☐ 362 Personal Injury - Medical Malpractice

**PERSONAL INJURY**  
☐ 365 Personal Injury - Product Liability  
☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability  
☐ 368 Asbestos Personal Injury Product Liability  
**PERSONAL PROPERTY**  
☐ 370 Other Fraud  
☐ 371 Truth in Lending  
☐ 380 Other Personal Property Damage  
☐ 385 Property Damage Product Liability

**REAL PROPERTY**  
☐ 210 Land Condemnation  
☐ 220 Foreclosure  
☐ 230 Rent Lease & Ejectment  
☐ 240 Torts to Land  
☐ 245 Tort Product Liability  
☐ 290 All Other Real Property

**CIVIL RIGHTS**  
☐ 440 Other Civil Rights  
☐ 441 Voting  
☐ 442 Employment  
☐ 443 Housing/Accommodations  
☐ 445 Amer. w/Disabilities - Employment  
☐ 446 Amer. w/Disabilities - Other  
☐ 448 Education

**PRISONER PETITIONS**  
**Habeas Corpus:**  
☐ 463 Alien Detainee  
☐ 510 Motions to Vacate Sentence  
☐ 530 General  
☐ 535 Death Penalty  
**Other:**  
☐ 540 Mandamus & Other  
☐ 550 Civil Rights  
☐ 555 Prison Condition  
☐ 560 Civil Detainee - Conditions of Confinement

**FORFEITURE/PENALTY**  
☐ 625 Drug Related Seizure of Property 21 USC 881  
☐ 690 Other

**LABOR**  
☐ 710 Fair Labor Standards Act  
☐ 720 Labor/Management Relations  
☐ 740 Railway Labor Act  
☐ 751 Family and Medical Leave Act  
☐ 790 Other Labor Litigation  
☐ 791 Employee Retirement Income Security Act

**IMMIGRATION**  
☐ 462 Naturalization Application  
☐ 465 Other Immigration Actions

**BANKRUPTCY**  
☐ 422 Appeal 28 USC 158  
☐ 423 Withdrawal 28 USC 157

**PROPERTY RIGHTS**  
☐ 820 Copyrights  
☒ 830 Patent  
☐ 840 Trademark

**SOCIAL SECURITY**  
☐ 861 HIA (1395ff)  
☐ 862 Black Lung (923)  
☐ 863 DIWC/DIWW (405(g))  
☐ 864 SSID Title XVI  
☐ 865 RSI (405(g))

**FEDERAL TAX SUITS**  
☐ 870 Taxes (U.S. Plaintiff or Defendant)  
☐ 871 IRS—Third Party 26 USC 7609

**OTHER STATUTES**  
☐ 375 False Claims Act  
☐ 400 State Reapportionment  
☐ 410 Antitrust  
☐ 430 Banks and Banking  
☐ 450 Commerce  
☐ 460 Deportation  
☐ 470 Racketeer Influenced and Corrupt Organizations  
☐ 480 Consumer Credit  
☐ 490 Cable/Sat TV  
☐ 850 Securities/Commodities/Exchange  
☐ 890 Other Statutory Actions  
☐ 891 Agricultural Acts  
☐ 893 Environmental Matters  
☐ 895 Freedom of Information Act  
☐ 896 Arbitration  
☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision  
☐ 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
35 U.S. Code § 271

Brief description of cause:  
Patent Infringement

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☒ Yes ☐ No

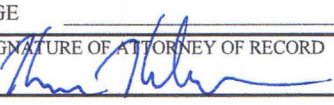
**VIII. RELATED CASE(S) IF ANY**

(See instructions):

**JUDGE**

**DOCKET NUMBER**

DATE  
10/14/2014

SIGNATURE OF ATTORNEY OF RECORD  


FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE